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DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION (37 CFR 1.63)

Declaration
Submitted
with Initial
Filing

OR

Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16(e))
required)

Attorney Docket Number 42P16968			
First Named Inventor Rangarajan R. Calyanakoti			
COMPLETE IF KNOWN			
Application Number 10/672,967			
Filing Date	September 25, 2003		
Art Unit	TBA		
Examiner Name	ТВА		

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below, next to my name.

I believe I am the original and first inventor (if only one name listed below) or an original and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD TO COLL	ECT ADDRESS TRACE OF INSTRUCT	IONS EXECUTED
	(Title of the Invention)	
e specification of which		
is attached hereto.		·
OR		
	e): as United States Application Number PCT International Application Number	10/672,967
and was amended on		(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above.

I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application. I do not know and do not believe that the claimed invention was in public use or on sale in the United States of America more than one year prior to this application, nor do I know or believe that the invention has been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

full Name:	(First, Middle [if any], Family	asham Bukka	nd Suffi-	(if anyl)	
			nu sujjix	[ij uny])	
nventor's Signatu	ire	Date			
Desidence III	Ishana Onanan IICA	Citizenship	India		
Residence Hil	llsboro, Oregon USA (City, State, Country)	Citizeriship	muia	(Country)	
Mailing Address	1492 NE Alex Way #315			(Course)	
Mailing Address	Hillsboro, Oregon 97124 USA				
	Hillsboro, Olegon 97124 OSA		- ,		
				•	
IAME OF THIRD	INVENTOR:	een filed for this un	dersign	ed inventor	
ull Name:		anish Singh			
	(First, Middle [if any], Family		nd Suffix	[if any])	
nventor's Signatu	ıre	Date			<u> </u>
Residence Sai	n Diego, California USA	Citizenship	India		
	(City, State, Country)			(Country)	
lailing Address	8507 Capricorn Way, Apt. #95			•	
Mailing Address	8507 Capricorn Way, Apt. #95 San Diego, California 92126 USA TH INVENTOR:	een filed for this un	dersign	ed inventor	
IAME OF FOUR	San Diego, California 92126 USA TH INVENTOR: A petition has be		dersign	ed inventor	
IAME OF FOUR	San Diego, California 92126 USA TH INVENTOR: A petition has be Brian	James Pollard		•,•	
IAME OF FOUR	San Diego, California 92126 USA TH INVENTOR:	James Pollard Name (or Surname), a		•,•	
	San Diego, California 92126 USA TH INVENTOR:	James Pollard		•,•	
IAME OF FOUR ull Name:	San Diego, California 92126 USA TH INVENTOR:	James Pollard Name (or Surname), a Date	ind Suffix	•,•	
IAME OF FOUR ull Name:	San Diego, California 92126 USA TH INVENTOR:	James Pollard Name (or Surname), a	ind Suffix	•,•	
IAME OF FOUR ull Name: nventor's Signatu	San Diego, California 92126 USA TH INVENTOR: A petition has be Brian (First, Middle [if any], Family are s Angeles, California USA (City, State, Country)	James Pollard Name (or Surname), a Date	ind Suffix	[if any])	*
IAME OF FOUR ull Name: nventor's Signatu	San Diego, California 92126 USA TH INVENTOR: A petition has be Brian (First, Middle [if any], Family are s Angeles, California USA (City, State, Country) 1440 Veteran Avenue, Apt. 301	James Pollard Name (or Surname), a Date	ind Suffix	[if any])	*
IAME OF FOUR full Name: nventor's Signatu Residence Lo	San Diego, California 92126 USA TH INVENTOR: A petition has be Brian (First, Middle [if any], Family are s Angeles, California USA (City, State, Country)	James Pollard Name (or Surname), a Date	ind Suffix	[if any])	*
IAME OF FOUR full Name: nventor's Signatu Residence Lo	San Diego, California 92126 USA TH INVENTOR: A petition has be Brian (First, Middle [if any], Family are s Angeles, California USA (City, State, Country) 1440 Veteran Avenue, Apt. 301	James Pollard Name (or Surname), a Date	ind Suffix	[if any])	
IAME OF FOUR full Name: nventor's Signaturesidence Lorentaling Address	San Diego, California 92126 USA TH INVENTOR: A petition has be Brian (First, Middle [if any], Family ITE s Angeles, California USA (City, State, Country) 1440 Veteran Avenue, Apt. 301 Los Angeles, California 90024 USA	James Pollard Name (or Surname), a Date Citizenship	und Suffix	[if any]) (Country)	
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IAME OF FOUR full Name: nventor's Signaturesidence Lore Mailing Address IAME OF FIFTH full Name:	San Diego, California 92126 USA TH INVENTOR: A petition has be Brian (First, Middle [if any], Family are s Angeles, California USA (City, State, Country) 1440 Veteran Avenue, Apt. 301 Los Angeles, California 90024 USA INVENTOR: A petition has be (First, Middle [if any], Family	James Pollard Name (or Surname), a Date Citizenship een filed for this un	USA	(Country) ned inventor	
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IAME OF FOUR ull Name:	San Diego, California 92126 USA TH INVENTOR: A petition has be Brian (First, Middle [if any], Family are s Angeles, California USA (City, State, Country) 1440 Veteran Avenue, Apt. 301 Los Angeles, California 90024 USA INVENTOR: A petition has be (First, Middle [if any], Family	James Pollard Name (or Surname), a Date Citizenship een filed for this un Name (or Surname), a Date	USA	(Country) ned inventor	



DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION (37 CFR 1.63)

Declaration
Submitted
with Initial
Filing

OR

Declaration
Submitted after initial
Filing (surcharge
(37 CFR 1.16(e))
required)

Attorney Docket Num	ber 42P16968			
First Named Inventor Rangarajan R. Calyanakoti				
COMPLETE IF KNOWN				
Application Number 10/672,967				
Filing Date	September 25, 2003			
Art Unit	TBA			
Examiner Name	ТВА			

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METHOD TO COLLECT ADDRESS TRACE OF INSTRUCT	IONS EXECUTED	
		J
(Title of the Invention)		
the specification of which		
is attached hereto.		
OR		
was filed on (if applicable):	*	
or <u>09/25/2003</u> as United States Application Number PCT International Application Number	10/672,967	
and was amended on	(if applicable)	_

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I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Fore	<u>lgn App</u>	<u>licat</u>	ion(S	ŀ
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Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No

I hereby appoint the persons listed on Appendix A hereto (which is incorporated by reference and a part of this document) as my respective patent attorneys and patent agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith.

Direct all co	orrespondence to: . Custome	er Number 08791 or	Correspondence address below
Name	Chui-Kiu Teresa Wong Blakely, Sokoloff, Taylor & Za	ıfman LLP	
Address	12400 Wilshire Boulevard, 7th	Floor	
City	Los Angeles	State California	Zip Code 90025
Country	USA	Telephone (408) 720-8300	Fax (408) 720-8383

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name:	Rangaraja	R. Calyanakoti	
	(First, Middle [if any], Family N	ame (or Surname), and Suffix [if a	ny])
Inventor's Signatu	ire	Date	
Residence Bri	dgewater, New Jersey USA	Citizenship India	
-	(City, State, Country)		(Country)
Mailing Address	56 Shields Lane		
	Bridgewater, New Jersey 08807 USA		

;503

NAME OF SECON	D INVENTOR:	een filed for this undersigned inventor
Full Name:		asham Bukka
		Name (or Surname), and Suffix [if any])
Inventor's Signatur	e Brewey	Date02 02 04
Residence Hills	sboro, Oregon USA	Citizenship India
	(City, State, Country)	(Country)
Mailing Address	1492 NE Alex Way #315	
J	Hillsboro, Oregon 97124 USA	
NAME OF THIRD	INVENTOR:	een filed for this undersigned inventor
Full Name:		anish Singh
		Name (or Surname), and Suffix [if any])
Inventor's Signatur	re	Date
Residence San	Diego, California USA	Citizenship India
	(City, State, Country)	(Country)
Mailing Address	8507 Capricorn Way, Apt. #95	
	San Diego, California 92126 USA	
NAME OF FOURT		een filed for this undersigned inventor James Pollard
		y Name (or Surname), and Suffix [if any])
Inventor's Signatu	re	Date
mvomor o orginaliz		
Residence Los	Angeles, California USA	Citizenship USA
	(City, State, Country)	(Country)
Mailing Address	1440 Veteran Avenue, Apt. 301	
•	Los Angeles, California 90024 USA	
NAME OF FIFTH	INVENTOR:	peen filed for this undersigned inventor
Full Name:		
Full Name:	(First, Middle [if any], Fami	ly Name (or Surname), and Suffix (if any))
Incombade Classes	(First, Miladie Lij any), Fami	Date
inventor's Signatu	re	Date
Posidones		Citizenship
Residence	(City, State, Country)	(Country)
Mailing Address	•	(Souris)
Maining Address		
Docket No. 42P169	968 -3-	

Appendix A

I hereby appoint with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith, BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP, a firm including: William E. Alford, Reg. No. 37,764; Farzad E. Amini, Reg. No. 42,261; Anthony H. Azure, Reg. No. 52,580; W. Thomas Babbitt, Reg. No. 39,591; Jordan M. Becker, Reg. No. 39,602; Todd M. Becker, Reg. No. 43,487; Michael A. Bernadicou, Reg. No. 35,934; Roger W. Blakely, Jr., Reg. No. 25,831; R. Alan Burnett, Reg. No. 46,149; Gregory D. Caldwell, Reg. No. 39,926; Cory G. Claassen, Reg. No. 50,296; Thomas M. Coester, Reg. No. 39,637; Mimi D. Dao, Reg. No. 45,628; Stephen M. De Klerk, Reg. No. 46,503; Daniel M. De Vos, Reg. No. 37,813; Sanjeet Dutta, Reg. No. 46,145; Nathan P. Elder, Reg. No. P-55,150; Tarek N. Fahmi, Reg. No. 41,402; Thomas S. Ferrill, Reg. No. 42,532; Adam Furst, Reg. No. 51,710; Angelo J. Gaz, Reg. No. 45,907; Andre M. Gibbs, Reg. No. 47,593; James Y. Go, Reg. No. 40,621; Jason R. Graff, Reg. No. 54,134; Arlen M. Hartounian, Reg. No. 52,997; Jeffery Scott Heileson, Reg. No. 46,765; James A. Henry, Reg. No. 41,964; Willimore F. Holbrow III, Reg. No. 41,845; Sheryl Sue Holloway, Reg. No. 37,850; George W Hoover II, Reg. No. 32,992; Eric S. Hyman, Reg. No. 30,139; Aslam A. Jaffery, Reg. No. 42,879; Jonathan S. Miller, Reg. No. 48,534; Heather M. Molleur, Reg. No. 50,432; Richard A. Nakashima, Reg. No. 42,023; Thinh V. Nguyen, Reg. No. 42,034; Robert B. O'Rourke, Reg. No. 46,972; Daniel E. Ovanezian, Reg. No. 41,236; Philip A. Pedigo, Reg. No. 52,107; Marina G. Portnova, Reg. No. 45,750; Joseph A. Pugh, Reg. No. 52,137; Jon C. Reali, Reg. No. 54,391; James H. Salter, Reg. No. 35,668; William W. Schaal, Reg. No. 39,018; James C. Scheller, Reg. No. 31,195; Kevin G. Shao, Reg. No. 45,095; Stanley W. Sokoloff, Reg. No. 25,128; Judith A. Szepesi, Reg. No. 39,393; Edwin H. Taylor, Reg. No. 25,129; Lisa Tom, Reg. No. 52,291; Kerry D. Tweet, Reg. No. 45,959; Mark C. Van Ness, Reg. No. 39,865; Thomas A. Van Zandt, Reg. No. 43,219; Mark R. Vatuone, Reg. No. 53,719; Lester J. Vincent, Reg. No. 31,460; John P. Ward, Reg. No. 40,216; Mark L. Watson, Reg. No. 46,322; Thomas C. Webster, Reg. No. 46,154; Chui-Kiu Teresa Wong, Reg. No. 48,042; and Norman Zafman, Reg. No. 26,250, my patent attorneys, and Chze Koon Chua, 53,831; Brent Vecchia, Reg. No. 48,011 and Lehua Wang, Reg. No. 48,023, my patent agents, with offices located at 12400 Wilshire Boulevard, 7th Floor, Los Angeles, California 90025, telephone (310) 207-3800; and James R. Thein, Reg. No. 31,710, my patent attorney, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith. I also appoint Alan K. Aldous, Reg. No. 31,905; Rob D. Anderson, Reg. No. 33,826; Jay P. Beale, Reg. No. 50,901; Shireen I. Bacon, Reg. No. 40,494; R. Edward Brake, Reg. No. 37,784; Ben Burge, Reg. No. 42,372; Robert H. Chang, Reg. No. 48,765; George Chen, Reg. No. 50,807; Glen B. Chol, Reg. No. 43,546; Kenneth Cool, Reg. No. 40,570; Ted A. Crawford, Reg. No. 50,610; Robert A. Diehl, Reg. No. 40,992; Jeffrey S. Draeger, Reg. No. 41,000; Cynthia Thomas Faatz, Reg No. 39,973; Christopher Gagne, Reg. No. 36,142; Sharmini N. Green, Reg. No. 41,410; Robert Greenberg, Reg. No. 44,133; Bradley Greenwald, Reg. No. 34,341; Jeffrey B. Huter, Reg. No. 41,086; Seth Z. Kalson, Reg. No. 40,670; Peter Lam, Reg. No. 44,855; Issac Lin, Reg. No. 50,672; David C Lundmark, Reg. No. 42,815; Anthony Martinez, Reg. No. 44,223; Larry Mennemeler, Reg. No. 51,003; Molly A. Mccall, Reg. No. 46,126; Paul Nagy, Reg. No. 37,896; Michael J. Nesheiwat, Reg. No. 47,819; Dennis A. Nicholls, Reg. No. 42,036; Kathy J. Ortiz, Reg. No. 54,351; Lanny Parker, Reg. No. 44,281; Michael D. Plimier, Reg. No. 43,004; Michael Proksch, Reg. No. 43,021; Kevin A. Reif, Reg. No. 36,381; Crystal D. Sayles, Reg. No. 44,318; Russell C. Scott, Reg. No. 43,103; Justin B. Scout, Reg. No. 54,431; Kenneth M. Seddon, Reg. No. 43,105; Mark Seeley, Reg. No. 32,299; Ami P. Shah, Reg. No. 42,143; David Simon, Reg. No. 32,756; Steven P. Skabrat, Reg. No. 36,279; Howard A. Skaist, Reg. No. 36,008; Paul E. Steiner, Reg. No. 41,326; Joni D. Stutman-Horn, Reg. No. 42,173; David Tran, Reg. No. 50,804; John F. Travis, Reg. No. 43,203; Robert G. Winkle, Reg. No. 37,474; Sharon Wong, Reg. No. 37,760; Steven D. Yates, Reg. No. 42,242; Calvin E. Wells; Reg. No. 43,258; Michael Willardson, Reg. No. 50,856 and Charles K. Young, Reg. No. 39,435; my patent attorneys and my patent agents, of INTEL CORPORATION; with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

Title 37, Code of Federal Regulations, Section 1.56. Duty to Disclose Information Material to Patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information, which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a daim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facte case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

DECLARATION AND POWER OF
ATTORNEY FOR PATENT
APPLICATION
(37 CFR 1.63)

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Attorney Do	ocket Num	ber	42P16968		
First Name	ned Inventor Rangarajan R. Calyanakoti				
	С	ОМІ	PLETE IF KNOWN		
Application	on Number 10/672,967				
Filing Date	te September 25, 2003				
Art Unit		TBA			
Examiner N	Vame	TBA			

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Docket No. 42P16968

Zip Code

Fax

90025

(408) 720-8383

inte list inv bef	ernation ed belo entor's fore tha	nal application whow and have also or plant breeder	rity benefits under 35 U.S r inventor's or plant breed nich designated at least of identified below, by chec s rights certificate(s), or a on on which priority is clai	iers rights one country king the bo	ertifi	cate(s), or 365(a than the United) of any PCT States of America,
		Avv. spprocessor(5).					
	Prior F	oreign Application Number(s)	Country	Foreign Filing	Date	Priority Not Claimed	Certified Copy Attached?
ŀ							☐Yes ☐No
-							☐ Yes ☐ No
- 1							☐ Yes ☐ No
			1				☐ Yes ☐ No
L							☐Yes ☐ No
I hereby appoint the persons listed on Appendix A hereto (which is Incorporated by reference and a part of this document) as my respective patent attorneys and patent agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith.							
Dire	ct all co	rrespondence to:		08791	,	or 🛛 Correspond	dence address below
Na	me	Chui-Kiu Teresa 'Blakely, Sokoloff	Wong , Taylor & Zafman LLP				
Δde	iress				 		···
Auc	11.033	12400 Wilshire B	oulevard, 7th Floor				

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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- Docket No. 42P16968	-3-	-	

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Appendix A

I hereby appoint with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith, BLAKELY SO KOLOFF TAYLOR & ZAFMAN LLP, a firm including: William E. Alford, Reg. No. 37,764; Farzad E. Amini, Reg. No. 42,261; Anthony H. Azure, Reg. No. 52,580; W. Thomas Babbitt, Reg. No. 39,591; Jordan M. Becker, Reg. No. 39,602; Todd M. Becker, Reg. No. 43,487; Michael A. Bernadicov, Reg. No. 36, 25, 234; Becar W. Bloket, Reg. No. 39,602; Todd M. Becker, Reg. No. 43,487; Michael A. Bernadicov, Reg. No. 36, 25, 234; Becar W. Bloket, Reg. No. 39,602; Todd M. Becker, Reg. No. 43,487; Michael A. Bernadicov, Reg. No. 36, 25, 234; Becar W. Bloket, Reg. No. 39,602; Todd M. Becker, Reg. No. 43,487; Michael A. Bernadicov, Reg. No. 36, 25, 234; Becar W. Bloket, Reg. No. 39, 402; Todd M. Becker, Reg. No. 40, 400; Michael Reg. No. 39, 402; Michael A. Bernadicou, Reg. No. 35,934; Roger W. Blakely, Jr., Reg. 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No. 26,250, my patent attorneys, and Chze Koon Chua, 53,831; Brent Vecchia, Reg. No. 48,011 and Lehua Wang, Reg. No. 48,023, my patent agents, with offices located at 12400 Wilshire Boulevard, 7th Floor, Los Angeles, California 90025, telephone (310) 207-3800; and James R. Thein, Reg. No. 31,710, my patent attorney, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith. I also appoint Alan K. Aldous, Reg. No. 31,905; Rob D. Anderson, Reg. No. 33,826; Jay P. Beale, Reg. No. 50,901; Shireen I. Bacon, Reg. No. 40,494; R. Edward Brake, Reg. No. 37,784; Ben Burge, Reg. No. 42,372; Robert H. Chang, Reg. No. 48,765; George Chen, Reg. No. 50,807; Glen B. Choi, Reg. No. 43,546; Kenneth Cool, Reg. No. 40,570; Ted A. Crawford, Reg. No. 50,610; Robert A. Diehl, Reg. No. 40,992; Jeffrey S. Draeger, Reg. No. 41,000; Cynthia Thomas Faatz, Reg No. 39,973; Christopher Gagne, Reg. 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Title 37, Code of Federal Regulations, Section 1.56 Duty to Disclose Information Material to Patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration. There is no duty to submit information, which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any existing claim. The duty to disclose all issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §\$1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filling or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentabliity.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the continuation-in-part application.